

104 CMR 27.17(6)(c) is stricken and replaced with the following:

(c) A patient and the patient's legally authorized representative shall be permitted to inspect the patient's records, absent a determination by the Commissioner or designee, provided that the individual making the determination must be a licensed health care professional, that: inspection by the patient is reasonably likely to endanger the life or physical safety of the patient or another person; the record makes reference to another person (other than a health care provider) and inspection is reasonably likely to cause substantial harm to such other person; or inspection by the legally authorized representative is reasonably likely to cause substantial harm to the patient or another person. The facility director may require the legally authorized representative's consent before permitting a patient under the age of 18 to inspect his or her own records, provided that a patient who is 16 or 17 years old and admitted himself or herself pursuant to G.L. c. 123, §§ 10 & 11, may inspect records of the admittance without such consent. The records of emergency medical or dental treatment of a patient under 18 who consented to such care in accordance with G.L. c. 112, § 12F shall be confidential between the minor and physician or dentist and shall not be released except upon the written consent of the patient under 18 or a proper judicial order. Clinical staff may offer to read or interpret the record when necessary for the understanding of the patient or his or her legally authorized representative. In no circumstance may an individual be denied access to a record solely because he or she declines the offer of clinical staff to read or interpret the record. If access to a record is denied based on the criteria in 104 CMR 27.17(6)(c), the patient or legally authorized representative shall be informed of the right to appeal. The individual making a determination on appeal must be a licensed health care professional, and such determination shall be final.